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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MAXIMILIAN KLEIN, et al., on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

META PLATFORMS, INC., a Delaware
Corporation,

Defendant.

Case No. 3:20-cv-08570-JD

**DECLARATION OF MOLLY JENNINGS
IN SUPPORT OF META PLATFORMS,
INC.'S OPPOSITION TO USERS'
MOTION FOR CLASS CERTIFICATION**

Judge: Hon. James Donato

1 I, Molly Jennings, declare as follows:

2 1. I am a partner at the law firm Wilmer Cutler Pickering Hale and Dorr LLP. I
3 represent Defendant Meta Platforms, Inc. in the above-captioned action. I submit this
4 declaration in support of Meta's Opposition To Users' Motion For Class Certification.

5 2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the
6 transcript of the deposition of Rachel Banks Kupcho, held on May 22, 2023.

7 3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the
8 transcript of the deposition of Sarah Grabert, held on April 24 and April 25, 2023.

9 4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the
10 transcript of the deposition of Maximilian Klein, held on May 31, 2023.

11 5. Attached hereto as Exhibit 4 is a true and correct copy of the Executive Summary
12 from the User Class Rebuttal Report of Catherine Tucker.

13 6. Attached hereto as Exhibit 5 is a true and correct copy of the User Class Rebuttal
14 Report of Catherine Tucker, dated August 4, 2023.

15 7. Attached hereto as Exhibit 6 is a true and correct copy of the Declaration of
16 Nicholas Economides in Support of Consumer Plaintiffs' Motion for Class Certification Errata,
17 dated July 27, 2023.

18 8. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the
19 transcript of the deposition of Nicholas Economides, held on September 14, 2023.

20 9. Attached hereto as Exhibit 8 is a true and correct copy of a document produced in
21 this litigation, Bates numbered PALM-013777098-123.

22 10. Attached hereto as Exhibit 9 is a true and correct copy of a document produced in
23 this litigation, Bates numbered Centercode_00000851.

24 11. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from the
25 transcript of the deposition of Mario Sancho, the 30(b)(6) designee for Centercode, held on June
26 20, 2023.

27 12. Attached hereto as Exhibit 11 is a true and correct copy of excerpts from the
28 transcript of the deposition of Sagee Ben-Zedeck, held on May 10, 2023.

13. Attached hereto as Exhibit 12 is a true and correct copy of a document produced in this litigation, Bates numbered PALM-013818575-630.

14. Attached hereto as Exhibit 13 is a true and correct copy of the Reply Declaration of Nicholas Economides in Support of Consumer Plaintiffs' Motion for Class Certification, dated September 1, 2023.

15. Attached hereto as Exhibit 14 is a true and correct copy of an article by Sagee Ben-Zedeff titled *Introducing Study From Facebook*, dated June 11, 2019, and available at <https://about.fb.com/news/2019/06/study-from-facebook/>.

16. Attached hereto as Exhibit 15 is a true and correct copy of an article by Erez Naveh titled *Introducing Facebook Viewpoints*, dated November 25, 2019, and available at <https://about.fb.com/news/2019/11/introducing-facebook-viewpoints/>.

17. Attached hereto as Exhibit 16 is a true and correct copy of an article by Nicholas Economides & Ioannis Lianos titled *Giving Away Our Data for Free is a Market Failure*, dated February 1, 2021, and available at <https://www.promarket.org/2021/02/01/free-data-market-failure-digital-platforms/>.

18. Attached hereto as Exhibit 17 is a true and correct copy of an article by Nicholas Economides & Ioannis Lianos titled *Restrictions on Privacy and Exploitation in the Digital Economy: A Market Failure Perspective*, published in the Journal of Competition Law and Economics in 2021.

19. Attached hereto as Exhibit 18 is a true and correct copy of excerpts from the transcript of the deposition of Sarah Lamdan, held on September 29, 2023.

20. Attached hereto as Exhibit 19 is a true and correct copy of excerpts from the transcript of the deposition of Robert Klein, held on July 27, 2023.

21. Attached hereto as Exhibit 20 is a true and correct copy of excerpts from the transcript of the deposition of Joseph Farrell, held on September 22, 2023.

22. Attached hereto as Exhibit 21 is a true and correct copy of Consumer Plaintiffs' Supplemental Responses and Objections to Interrogatory Nos. 15 and 16 of Defendant Meta Platforms, Inc.'s Third Set of Interrogatories, dated February 15, 2023.

23. Attached hereto as Exhibit 22 is a true and correct copy of a document produced in this litigation, Bates numbered CONSUMER-FB-0000002310-316.

24. Attached hereto as Exhibit 23 is a true and correct copy of a document produced in this litigation, Bates numbered CONSUMER-FB-0000002329-335.

I declare that the foregoing is true and correct under penalty of perjury.

Executed on this 13th day of October, 2023, in Washington, District of Columbia.

By: /s/ Molly M. Jennings

Molly M. Jennings

SIGNATURE ATTESTATION

This document is being filed through the Electronic Case Filing (ECF) system by attorney Sonal N. Mehta. By her signature, Ms. Mehta attests that she has obtained concurrence in the filing of this document from each of the attorneys identified on the caption page and in the above signature block.

By: /s/ Sonal N. Mehta
Sonal N. Mehta